

-1-

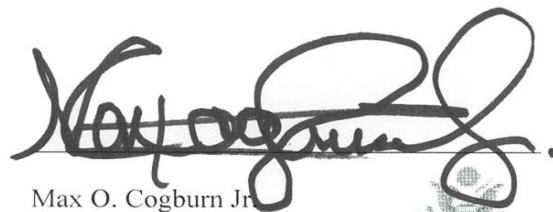
credibility is difficult to discern from affidavits. United States v. Barsanti, 943 F.2d 428, 440 (4th Cir. 1991). At the evidentiary hearing, the Court will hear the testimony of any affiant either side wishes to call concerning the duties of assistant managers at defendants' restaurants. The hearing will be limited to one hour.

The Court notes defendants' argument that plaintiff made nearly identical allegations in Holland v. Bojangles Restaurants Inc., 3:17cv50-RJC (W.D.N.C. 2017) (closed 3/22/2017). To that end, the parties may wish to be prepared to briefly explore that aspect of this case at the hearing.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that plaintiff's Motion for FLSA Conditional Collective Action Certification and Notice (#3) be **CALENDARED** for an **EVIDENTIARY HEARING** on the next available civil hearings date and such hearing is limited to one hour.

Signed: May 2, 2017

A handwritten signature in black ink, appearing to read 'Max O. Cogburn Jr.', written over a horizontal line.

Max O. Cogburn Jr.  
United States District Judge

